

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

UNITED STATES OF AMERICA	:	CRIMINAL ACTION
	:	
v.	:	
	:	
RICHARD BALLARD	:	NO. 03-810-01

ORDER

AND NOW, this 13th day of April, 2012, upon consideration of defendant's pro se Motion Pursuant to Rule 60(b)(6) and Request for Equitable Tolling or in the Alternative Allow Petitioner to Proceed Under F.R.Crim. P. 32(c)(3)(d) (Document No. 118, filed October 14, 2011) and the Government's Response to Defendant's Motion for Relief Under Rule 60(b) (Document No. 125, filed February 23, 2012), for the reasons set forth in the Memorandum dated April 13, 2012, **IT IS ORDERED** that defendant's pro se Motion Pursuant to Rule 60(b)(6) and Request for Equitable Tolling or in the Alternative Allow Petitioner to Proceed Under F.R.Crim. P. 32(c)(3)(d) is **DENIED**.

IT IS FURTHERED ORDERED that a certificate of appealability will not issue on the ground that defendant has not made a substantial showing of a denial of a constitutional right as required under 28 U.S.C. § 2253(c)(2).

BY THE COURT:

____/s/ **Hon. Jan E. DuBois**_____
JAN E. DUBOIS, J.